

**ORIGINAL**

JACK SCHWEIGERT, #1560  
550 HALEKAUWILA STREET, ROOM 309  
HONOLULU, HAWAII 96813  
TELEPHONE NO. 533-7491

ARTHUR E. ROSS, #1005  
226 Queen Street, Suite 210  
HONOLULU, HAWAII 96813  
TELEPHONE NO. 52-4343

RORY SOARES TOOMEY, #2323  
1088 BISHOP STREET, SUITE 1004  
HONOLULU, HAWAII 96813  
TELEPHONE NO. 533-7162

Attorneys for Plaintiff  
OFELIA COLOYAN

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 21 2006

at 11 o'clock and 8 min. AM  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN

Plaintiff,

vs.

WILLIAM BADUA, JEFFERY  
OMAI; SPENCER ANDERSON;  
NEIL PANG; and DOES 5-10

Defendants.

)  
) CIVIL NO. 03-00476-KSC  
)  
) PLAINTIFF'S MOTION IN LIMINE  
) RE EXCLUSION OF ALL  
) EVIDENCE OF INJURIES TO ANY  
) OF THE DEFENDANTS THAT  
) OCCURRED IN THE LINE OF  
) DUTY; DECLARATION OF  
) COUNSEL; MEMORANDUM IN  
) SUPPORT OF PLAINTIFF'S  
) MOTION IN LIMINE RE  
) EXCLUSION OF ALL EVIDENCE  
) OF INJURIES TO ANY OF THE  
) DEFENDANTS THAT OCCURRED  
) IN THE LINE OF DUTY;  
) CERTIFICATE OF SERVICE  
)

) **HEARING**

)

) DATE: \_\_\_\_\_

)

) TIME: \_\_\_\_\_

) JUDGE: Hon. Kevin S. C. Chang

)

) Trial is set for March 14, 2006, at  
9:00 a.m.

PLAINTIFF'S MOTION IN LIMINE RE EXCLUSION OF ALL EVIDENCE OF  
INJURIES TO ANY OF THE DEFENDANTS THAT OCCURRED IN THE LINE  
OF DUTY

Ofelia Coloyan Plaintiff above-named by and through her attorneys Jack Schweigert, Esq., Arthur e. Ross, Esq. and Rory Soares Toomey, Esq. files this motion in limine and respectfully moves the court as follows:

To instruct defendants and defendants' attorneys not to mention, refer to, or bring before the jury, directly or indirectly, upon voir dire examination, reading of the pleadings, statements of the case, interrogation of witnesses, argument, objections before the jury, or in any other manner, of any of the matters set forth below, unless and until such matters have first been called to the Court's attention out of the presence and hearing of the jury and a favorable ruling received as to the admissibility and relevance of such matters.

To instruct counsel for defendants to inform defendants and all witnesses called by defendants to refrain from mentioning or referring to, in any way, in the


presence or hearing of the jury, any of the below-enumerated matters, unless specifically permitted to do so by ruling of the Court.

To instruct counsel for defendants that because violation of any of all these instructions would cause great harm to plaintiff's cause and would deprive the plaintiff of a fair impartial trial, the failure to abide by such order of the court may constitute contempt of court.

Counsel for defendants, defendants, and all witnesses will refrain from referring to or mentioning and Limiting the Defendants from presenting any evidence or any reference as to the past and/or present injury received by any Defendant in the line of duty as a police officer.

This motion is brought pursuant to Rules 7 of the Federal Rules of Civil Procedure, LR 16.9 of the local rule, and Federal Rules of Evidence 401, 402, 403, 602, 607, 608 and 802. It is based upon the attached Declaration of Counsel, Memorandum of Law and all the records and files in this case.

DATED: Honolulu, Hawaii, February 21, 2006

  
\_\_\_\_\_  
JACK SCHWEIGERT  
ARTHUR E. ROSS

RORY SOARES TOOMEY  
Attorneys for Plaintiff  
OFEILA COLOYAN

Plaintiff's Motion in Limine Re Exclusion of all Evidence of Injuries to any of the Defendants that occurred in the line of duty in the matter of Ofelia Coloyan vs. William Badua, Jeffery Omai, Spencer Anderson, Neil Ping. In the United States District Court for the District of Hawaii Civil No. CV-03-00476-KSC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN

Plaintiff,

vs.

WILLIAM BADUA, JEFFERY  
OMAI; SPENCER ANDERSON;  
NEIL PANG; and DOES 5-10

Defendants.

CIVIL NO. 03-00476-KSC

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

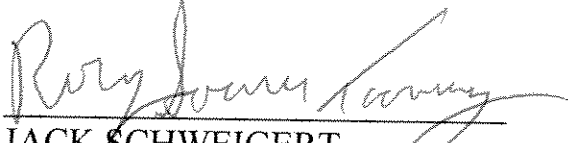
**I HEREBY CERTIFY** that on February 21, 2006, a copy of the attach  
document was served upon:

KENDRA K. KAWAI  
550 S. KING ST., Rm 110  
HONOLULU, HAWAII

☒ HAND DELIVERED  
☐ UNITED STATES MAIL, first class  
Postage prepaid

Attorney for Defendants  
WILLIAM BADUA; SPENCER  
ANDERSON, NEIL PANG

DATED: Honolulu, Hawaii, February 21, 2006

  
JACK SCHWEIGERT  
RORY SOARES TOOMEY  
Attorneys for Plaintiff  
OFELIA COLOYAN